

AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

UNITED STATES DISTRICT COURT
for the
District of New Mexico

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JUN 02 2021

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Blue Duffel Bag with Lock
Black/blue Nike Backpack

Case No. 21-mr-754

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 21 § 841(a)(1)	Possession with Intent to Distribute a Mixture and Substance Containing
Title 21 § 841(b)(1)(C)	Methamphetamine

The application is based on these facts:

See attached affidavit.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Curtis Imming, Special Agent, FBI
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephonically sworn and electronically signed (specify reliable electronic means).

Date: June 2, 2021


Judge's signature

City and state: Farmington, New Mexico

B. Paul Briones, US Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Curtis Imming, being duly sworn, state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. This affidavit is made in support of an application for a Search Warrant for a blue duffle bag with lock and a blue and black Nike backpack seized from a shed located on #6 Weahkee Drive, Zuni, New Mexico. The residence is owned by K. W. (hereinafter referred to as WITNESS 1), Year of Birth (YOB) 1955, but used by her son, BRANDON WASITA.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since July 2014. I am currently assigned to the Albuquerque Field Office, Gallup Resident Agency (GRA). My primary duties as a Special Agent with the FBI include investigating crimes occurring in Indian Country. I have gained experience in the conduct of such investigations through previous case investigations, formal training, and in consultation with law enforcement partners in local, state and federal law enforcement agencies. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute arrest and search warrants issued under the authority of the United States.

3. This affidavit is based upon my personal knowledge, and upon information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly participated in this investigation, and with whom your affiant has had regular contact regarding this investigation. This affidavit is also based upon information gained from interviews with cooperating citizen witnesses, whose reliability is established separately herein.

4. Based on my training, experience, and the facts set forth in this affidavit, I believe there is probable cause that evidence of violation of Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession with Intent to Distribute a Mixture and Substance Containing Methamphetamine, will be found in the blue duffle bag with lock and a blue and black Nike backpack seized from the shed located on #6 Weahkee Drive, Zuni, New Mexico. The residence is owned by WITNESS 1, but used by her son, BRANDON WASITA.

5. Because this affidavit is submitted for the limited purpose of securing authorization to search the items described in Attachment A, I have not included each and every fact known to me concerning this investigation. This affidavit is intended to show that there is sufficient probable cause for the requested warrant.

PROBABLE CAUSE

6. On May 19, 2021 FBI Albuquerque (FBIAQ), Gallup Resident Agency (GRA), Special Agent (SA) Curtis Imming, was contacted by Zuni Police Department (ZPD) Criminal Investigator (CI) Krissy Leekity regarding the seizure of approximately 10.5 pounds of Methamphetamine from a shed located on #6 Weahkee Drive, Zuni, New Mexico. The residence was owned by WITNESS 1, but the shed was used by WITNESS 1's son, BRANDON WASITA. WASITA had fixed up the shed and changed the locks.

7. Three individuals identified by ZPD as ROCKY MATHEW URBAN, JOSE ARTURO MERCADO ROSALES, and JOHN JOSEPH JIMENEZ drove a white 2016 Kia 4 door sedan from a location off the Zuni Pueblo to the residence, backed it up to the shed, and met with WASITA. URBAN, ROSALES, and JIMENEZ were at the residence for about an hour and WITNESS 1 saw them carrying something similar to a brown box from the car into the shed. WASITA told WITNESS 1 that they were just friends who were there to visit WASITA.

8. WITNESS 1 got worried so she crawled out the back window of her house and went to the neighbor to call the police. When ZPD arrived, WASITA, URBAN, ROSALES, and JIMENEZ were still at the residence. ZPD gained consent to search the shed, which was locked, from WITNESS 1. After gaining entrance, ZPD found approximately 10.5 pounds of methamphetamine separately packaged in 10 clear bags. The bags were all in a white trash bag and found behind the couch on the west wall of the shed. In the same area of the shed, near the northeast corner and the north side of the couch, ZPD located a blue duffel bag with lock. The blue and black Nike backpack was located in front of the couch.

9. A ZPD drug canine, handled by ZPD Officer DEVAN LALIO, was used to search the exterior of the blue duffel bag with lock and the blue and black Nike backpack. The canine indicated that there were drugs located in the blue duffel bag with lock.

10. On May 21, 2021 FBI AQ, GRA collected the blue duffel bag with lock and the blue and black Nike backpack from ZPD and on May 24, 2021, the exterior of the blue duffel bag with lock was searched by a Gallup Police Department (GPD) drug canine. The canine indicated the bag contained drugs.

11. On May 24, 2021, ZPD and FBI GRA interviewed WASITA. WASITA said the shed was used by him and he would keep it locked but did it was not locked when URBAN, ROSALES, and JIMENEZ stopped by on May 19, 2021. They had taken the blue duffel bag into the shed and showed WASITA the methamphetamine stored inside. They opened up one of the bags and prepared some lines to snort. WASITA was shown a picture of the blue duffel bag with lock seized by ZPD and he admitted it was the one containing the drugs (the photo shown to WASITA is the same photo in Attachment A).

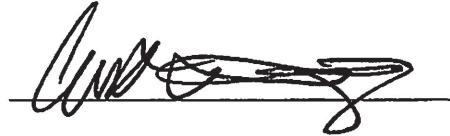
12. Along with the blue duffel bag with lock, the Nike bag was not WASITA's. It was brought into WASITA's shed by either URBAN, ROSALES, or JIMENEZ around the same time as the blue duffel bag with lock that was identified as containing methamphetamine. WASITA didn't know what was in the bag. The exterior of the Nike bag was also searched by a GPD drug canine. The canine did not alert on the Nike bag.

13. Despite that the drug canine did not alert to drugs being in the Nike bag, based off my training and experience, both bags may contain evidence of drug trafficking. For example, either or both bags may have evidence of who possessed or owned them or who was responsible for transporting or placing items inside. This is particularly important where as in this case, multiple individuals were in close proximity to both bags.

CONCLUSION

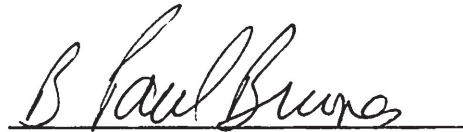
14. Based on the facts contained within this affidavit, I believe probable cause exists to search the blue duffle bag with lock and a blue and black Nike backpack seized from a shed located on #6 Weahkee Drive, Zuni, New Mexico (see Attachment A), for evidence of the crime described herein (see Attachment B) which are in violation of Title 21 U.S.C. §§ 841(a)(1) and (b)(1)(C): Possession with Intent to Distribute a Mixture and Substance Containing Methamphetamine.

15. Supervisory Assistant United States Attorney Kyle T. Nayback reviewed and approved this affidavit for legal sufficiency in support of an application for a search warrant.

A handwritten signature in black ink, appearing to read 'Curtis Imming', written over a horizontal line.

Curtis Imming
Special Agent
Federal Bureau of Investigation

Subscribed and sworn before me this 2nd day of June 2021

A handwritten signature in black ink, appearing to read 'B. Paul Burns', written over a horizontal line.

United States Magistrate Judge

ATTACHMENT A

Property to Be Searched

The blue duffle bag with lock and a blue and black Nike backpack seized from a shed located on #6 Weahkee Drive, Zuni, New Mexico.



ATTACHMENT B

Particular Things to be Seized

The search warrant authorized the collection of the following:

1. Any amount of drugs, drug residue, and packaging.
2. Item(s) which establish or tend to establish possession, use, occupancy, presence and/or the right to possession of the duffel bag and backpack to be searched.
3. Documentation of the herein-described premises, vehicle(s), person(s) and/or the herein-described item(s), to be seized, by means of measurement, photography, videography and/or any other means deemed necessary by law enforcement and/or person(s) assisting law enforcement.